

## GENERAL INFORMATION

## 63-01.0100 INTRODUCTION

This manual has been prepared in the interest of uniform application of construction specifications and inspection practices. It primarily serves as a guide for the Resident Engineer and construction inspection personnel within the Kentucky Transportation Cabinet (KYTC). This manual is to be used as a guide to establish uniform procedures in the administration of construction projects, field inspection, construction surveying and the preparation of project records. All personnel engaged in construction supervision and inspection should become familiar with the contents of this manual and follow the recommended practices.

## 63-01.0200 DEPARTMENT ORGANIZATION

Within the KYTC, the Department of Highways is organized for the purpose of research, designing, constructing, and maintaining an adequate system of safe highways capable of providing a safe economical means of transportation for the citizens of the Commonwealth.

The organization chart in Figure 1 below illustrates the current chain of command within the KYTC as it pertains to construction within the Department of Highways:

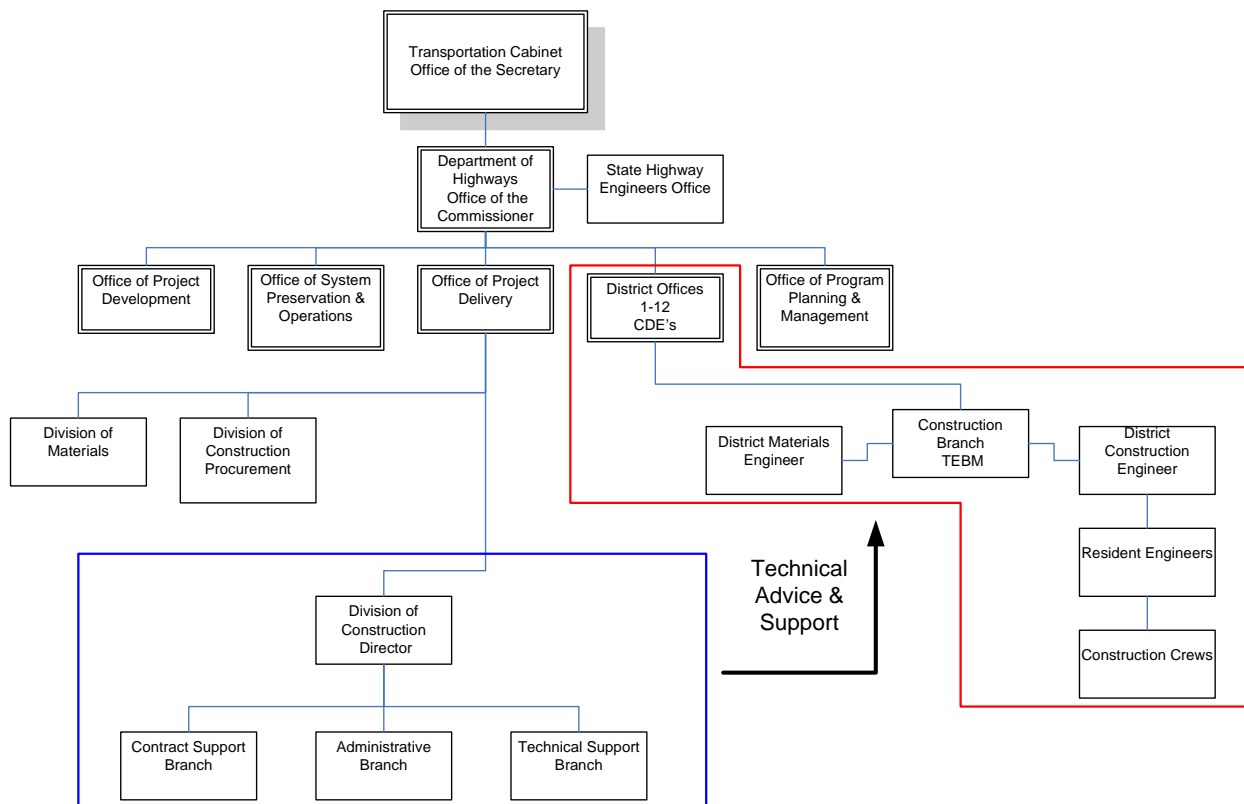


Figure 1

The State Highway Engineer is the technical advisor to the Secretary of Transportation and, under the direction of the Secretary, manages the engineering function of the Department of

Highways.

There are Assistant and Deputy State Highway Engineers who assist the State Highway Engineer in engineering responsibilities.

The Division of Construction is headed by a Director who is directly responsible to the Deputy State Highway Engineer for Project Delivery on all matters relating to contract administration and project construction.

Each of the 12 districts has a District Transportation Engineer Branch Manager (TEBM) for Construction who is directly responsible through the Chief District Engineer to the Department of Highways.

The District TEBM for Construction may be assisted in his responsibilities by a District Materials Engineer who has charge of all matters relating to the materials utilized on construction projects, and a District Construction Engineer who has direct charge of the highway construction.

The Chief District Engineer in each of the 12 districts of the state is the administrative head of the district, unclassified, and accountable through the Department of Highways to the Secretary of Transportation.

Operating, under the general supervision of the District TEBM Construction Engineer, is the Resident Engineer, who is the Department's representative on the project. Personnel are assigned to the Resident Engineer to assist him in staking and inspection of projects.

**.0210 Division of Construction** - The Division of Construction is charged with the responsibility of administering highway construction by contract from award until the project is completed and the contractor is paid in full, including the checking and verification of final estimates. Other divisions furnish assistance with problems in their special areas of responsibility.

The Division of Construction provides the Construction Guidance Manual which gives detailed instructions for field inspection and contract administration. The Division also provides the leadership for formal training programs to improve the skills of project personnel.

The Division of Construction is headed by the Director of Construction. The Director is assisted by a staff of three Transportation Engineering Branch Managers (TEBM), Field Engineers (who act as liaisons to the Districts), Specialty Inspectors, Safety Staff, Specifications Staff, and Administrative Staff. Reference Organizational Chart, Exhibit 63-1-1.

The Director of Construction and their staff provide technical advice and support to Chief District Engineers and their District Construction Staff as it pertains to highway construction projects by contract. They are directly responsible for the uniform and continual monitoring of the construction engineering inspection

activities for all 12 districts.

The field engineers are the operational representatives of the Director of Construction and are assigned responsibility for a specific area which is normally three districts but may be more or less. In addition, they may be assigned special functions and responsibilities as the need arises.

The field engineers are responsible for general administration including making formal acceptance of completed projects and participating on the Value Engineering and Claims Committees. The following would be considered their general duties:

1. Field inspections on active construction contracts to ensure uniform compliance with policies, procedures, contract documents, specifications, and federal regulations when applicable.
2. Final inspection of completed projects.
3. Review and make recommendations of proposed change orders, construction revisions, and other project related documents.
4. Advise the districts regarding solutions to technical problems, plan changes and errors related to construction projects.
5. Advise and coordinate the Division of Construction's activities with other divisions.
6. Advise and consult with the Federal Highway Administration on federal-aid projects
7. Special assignments, as required.

### **63-01.0300 CREW ORGANIZATION**

Each construction contract is under the responsible charge of a Resident Engineer. The Resident Engineer is assigned to the contract prior to its award.

As the Department's representative, the Resident Engineer will have frequent personal contacts with the contractors, property owners, municipal officials, utility representatives and the traveling public. Working relationships with these individuals often determines the effectiveness of the Resident Engineer and their crew. The Resident Engineer is responsible for construction of the project in accordance with the plans, enforcement of governing specifications, control of inspection and proper documentation.

The personnel assigned to assist him will have varying levels of training and experience. The Resident Engineer is responsible for proper assignment of these employees.

The Resident Engineer is encouraged to delegate authority within his crew. Every person in the crew should be assigned duties in accordance with their training and position. It is imperative that each person understand what is expected of him or her. Every person should have sufficient training in other than assigned duties so the temporary loss of the services of a key person does not impair the efficiency of the crew.

**63-01.0400 RESPONSIBILITIES OF THE RESIDENT ENGINEER**

The Resident Engineer in charge of a construction contract is responsible for accounting and monitoring all work items and successful completion of the project. When a contract is assigned to the Resident Engineer a thorough review of the plans, proposal and specification are needed. The Resident Engineer should be fully informed of the contractors' schedule of operations and methods to achieve the schedule. The Resident Engineer will ensure daily records of all activities are kept. Approval for changes that may materially affect the work should be reviewed with District and Central Office staff. Additionally, these changes should be reviewed by FHWA when involved on federal full-oversight projects. All changes from the plans and specifications must be documented and supported in the project files. The mission of the Resident Engineer is to ensure the job is built in accordance with the plans and specifications under which the contract was awarded.

The Diary in SiteManager is one of the most important documents kept by the Resident Engineer. It is kept as a project diary with day-by-day documentation of the orders, explanations, and events that occur on the job. The project diary may be used as evidence in court actions; therefore, the Resident Engineer or the Acting Resident Engineer must approve each day in SiteManager. Each day's activities, including any serious discussion, should be clearly recorded so that they can be readily understood by someone who was not involved with the project.

The Resident Engineer is also responsible for ensuring that his/her crew members are properly trained for the work that they may be inspecting.

The proper documentation and computation of pay quantities resulting from field measurements and the keeping of records is a major responsibility of the Resident Engineer. The records and computations should be kept in a neat and businesslike manner. Computations should be verified. The individual who prepares the computations should sign and date the document as well as the individual who verifies the work. All supporting data, such as weigh tickets and invoices, should be preserved in chronological order, and references should indicate where they are to be found.

It is also the responsibility of the Resident Engineer to know and to document the fact that all materials being used meet applicable specifications. The Resident Engineer must work with the Division of Materials and assist them in scheduling progress and final record tests. Verifying dimensions and elevations are a major responsibility of the Resident Engineer and is a traditional safeguard against errors.

Contacts with contractors and their representatives along with material suppliers should be businesslike and professional. The best approach is the establishment of a regular schedule of job conferences for discussion of problems and schedules. A pre-construction conference should be held as detailed in the Specifications and Section 108.02 of this manual. Additional meetings may be required during the course of the project

Contractors have entered in a contract to complete the work in accordance with plans and specifications. They have an investment of machinery and payrolls and are in business to make

money. Extra Work should not be ordered unless the method of paying him is indicated in the contract or by change order. In addition, a Resident Engineer should never knowingly permit a contractor to expend time, money or labor in an unacceptable construction operation or to achieve an end product that is unacceptable under the applicable contract and specifications without exhausting every effort to make the contractor(s) aware of the situation.

If a contractor or project superintendent should refuse a legitimate order, the Resident Engineer must know the steps that will legally impose the proper restraints. These will be found in contract documents. Seriously contested orders should be presented to the contractor in writing with copies to the Project File and District Construction Office. These contested orders should also be presented to the FHWA on federal full-oversight projects. All such incidents should be recorded in the Project Diary in full detail, including any witnesses. Communication of instructions to the contractor, project superintendent or project foreman should be done in a businesslike, courteous manner. The Resident Engineer should be firm without being abusive.

The Resident Engineer should avoid dealing directly with laborers and equipment operators. The Resident Engineer's job is to see that the desired results are achieved, the method of achieving them are up to the contractor. Where a specific method or methods are designated, the Resident Engineer may not waive or change the specification without a change order.

It must be realized that those who represent the public's interest on highway construction contracts are overseeing the spending of large sums of tax dollars. Often there will be interest from locally elected officials and news media in the progress of the work. Questions regarding contracts and work progress should be respectfully referred to the District Public Information Officers or the District Office representative responsible for releasing that information. The Resident Engineer shall keep the job in good traveling condition. Make every effort to minimize inconvenience to the tourist, the commuter and the people who live and work within the construction limits. The Resident and construction crew must be polite and considerate when approached by the public.

The primary goal is to do the job so the greatest public benefit can be attained with the most efficient use of public resources in accordance with applicable laws and regulations.

### **63-01.0500 THE INSPECTOR**

Proper inspection requires good judgment, common sense and a thorough knowledge of the work and contract requirements.

Inspectors on construction projects have the authority, and it is their job, to enforce the specifications. If differences in interpretation arise with the contractor, the matter should be decided by the Resident Engineer or, if necessary, by a superior. The inspector must always bear in mind that the management of the work is the contractor's business; however, if any methods are employed which the inspector has reason to believe will impair the quality of the finished product, he shall advise the contractor's representative accordingly and notify his superior immediately.

No inspector, regardless of position, is authorized to revoke, alter, enlarge, or release any

requirements of the contract. He is authorized and obligated to reject out-of-specification materials and work.

No inspector should argue with the contractor or his representative. The inspector's authority comes from the right to enforce the contract, not from superior knowledge or ability.

The inspector shall keep complete and accurate daily records of all work performed and the materials used. Also, the inspector is responsible for preparing and entering in SiteManager the necessary daily reports covering all work assignments and being on the job during designated working hours.

### **63-01.0600 FEDERAL HIGHWAY ADMINISTRATION (FHWA)**

The United States Department of Transportation's Federal Highway Administration is the principal highway agency of the federal government and administers the Federal-Aid Highway Program. This program has been redefined to include those roads which are in the National Highway System (NHS). In Kentucky, the roads in the National Highway System are, generally, the Interstate System, and all Freeways and Principal Arterials. In addition to the Interstate System, this includes all parkways, and toll roads, as well as portions of various US routes and major KY routes.

The federal share of the cost of highways is financed from proceeds of motor fuel and other highway user excise taxes deposited in the Highway Trust Fund. Moneys for highway improvements are apportioned to the states in accordance with formulas established by law.

The Federal-Aid Highway Program in Kentucky, as in every other state and the District of Columbia, is administered through a division office headed by a Division Administrator. The Division Administrator is delegated wide authority for administration of the program in accordance with policy established by the headquarters office of the Federal Highway Administration. The Division Administrator in the Kentucky Division reports to a Director of Field Services in Atlanta, Georgia, who in turn reports to the Administrator of the Federal Highway Administration in Washington, D.C. Staff specialists, in both the Resource Center and the Washington, D.C. office, act as consultants and advisors to the Division Administrator.

The FHWA Transportation Engineer is a frequent visitor to construction projects and acts as the FHWA Division Administrator's representative on all field matters. Each Transportation Engineer in the Kentucky division reports directly to the FHWA Project Delivery Team Leader. Other staff specialists in the Division Office or the Resource Center and occasionally the Washington office may accompany the Transportation Engineer on inspections or visits to the field. They provide special assistance and may take an active part in inspections.

An annual inspection program is set up by the Division Office based on the Department of Highways' active projects. Four types of inspections make up this annual program:

1. Process Review/Product Evaluation (Statewide or Area wide)
2. Inspection-In-Depth (Statewide, Area wide, Project Specific)
3. Project Inspection



#### 4. Final Inspection

Process review/product evaluations (PR/PEs) are comprehensive reviews that have three primary objectives:

- Assure that State processes, procedures, and controls are in substantial conformance with Federal requirements.
- Assure that projects are constructed in substantial conformance with State processes, procedures, and controls.
- Identify opportunities and implementation plans to advance existing processes, procedures, controls, and technology to the state of the practice or state of the art.

PR/PE's are oriented toward reviewing the State Transportation Agency's method of doing business with enough product verification to assure that the process is working satisfactorily. Process reviews are generally undertaken on a statewide or area wide basis and should include a review of the process at key decision points. As appropriate, State Oversight projects should be included in the sample of projects inspected as part of the PR/PE.

Inspections-in-depth (IIDs) may be made on individual projects or may be part of a statewide review effort. IIDs are product oriented but involve the tracking of processes necessary to correct deficiencies or to identify and promote processes that produce high quality products on either a project or statewide basis. They are a detailed type of inspection involving the review of specifications, procedural manuals, and specific contract requirements.

Project inspection is an on-site review to evaluate project activities, the quality and progress of the work, and, if appropriate, to follow up on findings from previous inspections. These reviews are generally more limited in scope than a PR/PE, IID, or phased inspection.

A final inspection is a review to determine the extent to which the project has been completed in reasonably close conformance with the plans, specifications, and authorized changes.

**.0610 FHWA - Field Relationship** - All Department employees are urged to cooperate with the FHWA during all phases of the contract. Construction personnel in particular are to be courteous to FHWA representatives whenever they conduct their inspections. FHWA personnel are responsible to their superiors, and are delegated to ask questions relating to progress, quality, contractor's payrolls, etc. They may also take field measurements, review test procedures and results, or investigate requested contract changes.

The Resident Engineer and/or his designated representative will be present at the "Inspection-In-Depth" and the "Project Inspection." The Resident Engineer will be present at the FHWA "Final Inspection." The District Construction Engineer will either attend and/or assign appropriate personnel from his office to attend both the "Inspection-in-Depth" and the "Project Inspection."

FHWA personnel do not have any authority over the Contractor nor do they have any direct authority over the Resident Engineer. They may discuss changes in procedures and make recommendations while visiting the project; however, the

Resident Engineer should not implement any substantial changes as a result of recommendations by FHWA personnel unless authorized by the District Construction Office.

FHWA personnel are obligated to verify that KYTC expends all federal funds in compliance with federal laws, regulations, and policy. More specifically:

- FHWA representatives conduct field inspections of Federal-aid projects; advise on problems and deficiencies, coordinate corrective actions, review and evaluate safety practices, and share innovative practices, procedures, and technologies.
- Monitor projects to provide for cost containment and schedule adherence.
- Evaluates projects in terms of structural and geometric design standards and applications, economic and environmental factors, maintenance and construction costs, traffic analysis and service, aesthetics, and appropriateness for the proposed highway system.
- Evaluates and approves project authorizations, concurrence in award of contracts, participation in change order and work orders for extra work, contract claims and reimbursement to the State and acceptance of projects upon correction of deficiencies and completion of work.
- Reviews the adequacy and coordinates corrective actions of proposed rights-of-way, construction plans and agreements for utility and railroad work, consultant agreements, plans for work zone traffic control and detours, temporary structures, traffic safety during construction, and procedures to eliminate or reduce adverse impact.
- Reviews plans, specifications and estimates (PS&E) for appropriate application of design standards and criteria, conformance with policy and regulations, eligibility for Federal participation, traffic safety features, reasonableness of estimated unit prices, fulfillment of environmental commitments and proper standard and special specifications and contract provisions.
- Reviews and evaluates information studies, engineering reports and other documents, and recommends alternatives and/or modifications.
- Meets with KYTC, consultants, and local officials to coordinate, advise, and explain Federal laws, regulations, policies and requirements pertaining to the Federal-Aid Highway Program and monitors compliance, as applicable.

**.0620 Oversight by Project Type** - The “Stewardship and Oversight Agreement” between the FHWA and KYTC spells out the responsibilities of each agency given a particular project type. The following table summarizes the agency with the primary oversight responsibility for a given project.

Type of Project	Primary Oversight Responsibility
Interstate	FHWA



Non-Interstate NHS	KYTC
Non-NHS – All Projects	KYTC
Appalachian Developmental Highway System Projects	FHWA

Other projects may be selected for FHWA oversight through a mutual agreement by FHWA and KYTC. This selection may be based on project complexity, emergencies, or other characteristics.

The following tables are excerpts from the “Stewardship and Oversight Agreement” and indicate the responsible agencies for given action and project type.

<b>Construction and Contract Administration Project Activity Approval Charts</b>					
<b>Project Activities</b>		<b>Agency Responsible</b>			
Approval Action	Reference Document	FHWA Oversight: Interstate & ADHS Projects	KYTC Oversight: Non-Interstate NHS Projects	KYTC Oversight: All Non-NHS Projects	Other Projects Subject to FHWA Oversight by Mutual Agreement
Approve exceptions to competitive bidding	23 CFR 635.104 & 204	FHWA	FHWA	FHWA	FHWA
Approve advertising period of <3 weeks	23 CFR 635.112	FHWA	FHWA	FHWA	FHWA
Concur in award of contracts	23 CFR 635.114	FHWA	KYTC	KYTC	FHWA
Concur in rejection of bids	23 CFR 635.114	FHWA	FHWA	FHWA	FHWA
Approve change and extra work orders	23 CFR 635.120	FHWA	KYTC	KYTC	FHWA
Approve time extensions	23 CFR 635.121	FHWA	KYTC	KYTC	FHWA
Accept material certifications	23 CFR 637.207	KYTC	KYTC	KYTC	KYTC
Concur in settlement of claims	23 CFR 635.124	FHWA	KYTC	KYTC	FHWA
Concur in termination of contracts	23 CFR 635.125	FHWA	KYTC	KYTC	FHWA
Final Acceptance/Inspection	23 USC 114a & 121	FHWA	KYTC	KYTC	FHWA
Construction Inspections	FAPG G 6042.8	FHWA/KYTC	KYTC	KYTC	KYTC
Determination of cost effective methods	23 CFR 635.204 & 104	FHWA	FHWA	FHWA	FHWA
Emergency relief	23 CFR 668	FHWA	FHWA	FHWA	FHWA

<b>Construction and Contract Administration Project Activity Approval Charts</b>		
<b>Program</b>	<b>Reference</b>	<b>Agency Responsible</b>
Buy America	23 CFR 635.410	FHWA
Local Public Agency Projects	23 CFR 635.105	KYTC
Project/Construction Authorization	23 CFR 635.106 (a)	FHWA
Quality Assurance (Program) Reviews		FHWA
Labor Compliance	2 CFR Parts 1, 3, 5, 6, & 7	FHWA (Forwarded to HQ)

- .0630 FHWA & Contractor Correspondence** - On FHWA full-oversight projects, the FHWA Transportation Engineer should be copied on all **formal** correspondence with the Contractor.

### **63-01.0700 HATCH ACT**

By virtue of the use of Federal-Aid funds for highway construction by the Department, employees are subject to provisions of the Hatch Act, a federal law concerning political activity. A portion is quoted below:

“Title 5 (Section 118 K) Hatch Act

(a) No officer or employee of any state or local agency whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by a federal agency shall (1) use his official authority or influence for the purpose of interfering with an election or a nomination for office, or affecting the results thereof, or (2) directly or indirectly coerce, attempt to lend or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes. No such official or employee shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they choose and to express their opinions on all political subjects and candidates.”

### **63-01.0800 CORRESPONDENCE**

The Resident Engineer will occasionally receive correspondence from citizens interested in the project. If the letter was addressed to the Resident Engineer, answer it within two weeks of receipt.

In any event, the Resident Engineer must always discuss receipt of every letter with the District Construction Engineer.

### **63-01.0900 CARE OF OFFICE AND EQUIPMENT**

The Resident Engineer must recognize that the ready availability of good equipment is vital to getting the job done. Poorly maintained or faulty equipment could involve the loss of time and money on construction projects. The Department recognizes this and has invested in office and field equipment.

In addition, the Resident Engineer is responsible for assigning the equipment for use by the crew and proper training in the care and use of the equipment. It is the Resident Engineers responsibility to assure that personnel using the equipment have an understanding of its capabilities and limitations and sufficient knowledge to perform minor upkeep such as cleaning and minor adjustments. It is vital that the Resident Engineer impress upon the crew the need for maintenance of equipment and their responsibility for use and care.

Office machines such as computers, copiers, adding machines, weigh ticket machines or

calculators may be maintained by company representatives that visit field offices or by submission of the faulty equipment to the district office. In any case, the engineer should ascertain as accurately as possible the source of any trouble and contact the District Engineer for further instructions. Proper use of dust covers that are normally furnished with this type of equipment and routine maintenance as prescribed by company representatives or manuals will extend the life of the machines and minimize any problems associated with their use.

All computers should be equipped with dust covers and a surge protection device. Efforts should be made to protect computers from liquids, food, and smoke. Data disks should be protected from magnetic sources (such as the telephone) and kept in as safe a place as possible.

Engineering instruments and laboratory equipment are delicate and precise pieces of equipment. The layout and control of all highway construction work is dependent on the accuracy of this equipment. The engineer must have this equipment readily at hand and in good condition throughout the construction season. Trucks in which the instruments are carried should be properly equipped with boxes and retaining devices designed to properly cushion and protect the instruments during transporting. Since the nature of the work involves dust and dirt, cleaning, adjusting, and lubricating the equipment is a good rainy day job and should be done with regularity.

The engineer should make a periodic inventory of all equipment. An annual inventory during the winter months is suggested. Particular notice should be taken of the condition and repair needs of the equipment.

Minor repairs and maintenance should be made as soon as possible. Equipment should not be stored without first being cleaned, oiled, and properly adjusted.

Major repair needs of field instruments should be itemized and reported to the district office. See Section 63-04.1600 in the manual for details on this procedure.

The Resident Engineer must realize that the attitude they show towards maintenance and care of equipment is reflected largely in the actions of the crew. If the Resident Engineer is conscientious in the care and upkeep of equipment, a similar attitude can be fostered within the crew.

### **63-01.1300 VEHICULAR EQUIPMENT**

Remember that all Department owned vehicles are public property. You, as the operator, are expected to set a good example by:

1. Observing all traffic laws.
2. Practicing courtesy in driving.
3. Maintaining all safety devices in operating condition.
4. Keeping vehicle properly serviced and cleaned as provided by Department policy.

### **63-01.1400 ARCHEOLOGICAL COORDINATION**

The Commonwealth of Kentucky Antiquities Act, KRS 164.705-735, and the federal provisions found at 36CFR 800.613, require that it must be reported whenever materials of an archeological nature are discovered during the course of construction work or otherwise. In order to provide a workable plan to implement these requirements within the Department, the following procedure is to be followed:

"Whenever materials of an archeological nature are discovered during the course of construction work or maintenance operations, contact shall be made immediately with the Division of Environmental Analysis, which maintains archaeologists on its staff. Following the consultation, further action shall be decided on a case-by-case basis by the State Highway Engineer or Transportation Planning Engineer or their designated representative."

On a construction project when it appears that materials of an archaeological nature such as Indian ruins, sites, buildings, artifacts, fossils or other objects of antiquity have been or are about to be encountered, the Resident Engineer will immediately halt all work in the vicinity of the objects and notify the District Construction Office, Central Office Division of Construction Field Engineer and the Division of Environmental Analysis as soon as possible. The District Office will, in turn, contact the Division of Construction and Steps will be taken in accordance with the above directive to advise the appropriate authorities of the facts and permit them to inspect the site to determine a future course of action. Until such inspection occurs and construction is authorized to proceed, the Resident Engineer shall take preventative measures to protect the site and assure that archaeological materials are not removed or disturbed by construction or other personnel.

Additional guidance can be found in exhibit 63-1-5, which is a memo written by the State Highway Engineers office concerning "Removal of Artifacts from State Property."

### **63-01.1500 CONSTRUCTION SURVEYING**

A significant portion of the construction surveying has become the contractor's responsibility as a result of a Department policy to require "contract staking" on most major projects and on many other projects. Under the contract requirements, the Department will, in general, furnish the initial horizontal and vertical control points and right-of-way stakes as well as taking the initial cross sections. The contractor must generally furnish all other layout and grade stakes to complete the project. The Department's survey party will take all initial and final cross sections and other measurements that are used to determine the final quantities.

Chapter 63-04 of this manual on Construction Surveying is a guide to the Department's personnel that are involved in construction surveying, whether it be initial establishment of control, taking cross sections, making final measurements, or whether it is furnishing all of the surveying. This chapter also may be used as a guide by the contractor's survey personnel and is recommended for their use.

### **63-01.1600 SAFETY**

The importance of safety in Department construction operations cannot be overemphasized. In the United States, millions of man-hours of work are lost each year due to accidents. National

Safety Council statistics indicate that injuries in the construction industry are three times as great as the average of all industries.

The Contractor is responsible for complying with all safety, health and sanitation laws, rules, regulations and guidelines. This includes but is not limited to the site specific Safety Plan (Plan) required for submittal at the preconstruction conference and all applicable Occupational Safety and Health Act (OSHA) regulations that are found in 29 CFR 1910 for General Industry and 29 CFR 1926 for Construction. The Contractor is responsible for ensuring the safety and convenience of all representatives and employees of the Contractor and all subcontractors, suppliers, Department personnel, visitors and the general public that may be affected by work within the project site.

The specifications require the Contractor to prepare a project-specific Plan for submittal at the preconstruction conference. The Contractor must certify that the Plan complies with applicable safety, health and sanitation laws, rules regulation and guidelines. Further they must certify that all operations and work practices of the Contractor comply with the Plan and that all subcontractor, suppliers, and Department personnel that will be working within the limits of the project will be required to comply with the plan. The Resident Engineers should review the Plan for general adequacy and compliance with the specification, and should request assistance from the Central Office Safety Liaisons with any questions regarding the Plan.

The prevention of accidents and injuries and the conservation of material and equipment are vital concerns of management. The resident engineer (RE) shall monitor the safety of Cabinet personnel who may be affected by the work under his or her direct supervision. The RE shall review the functioning of the contractor's safety measures for the public to ensure that adequate protection is provided for the public from existing or potential hazards in the vicinity of work areas. Since most accidents result from a combination of unsafe conditions and unsafe acts of people, motivating employees to safety alertness is an essential part of safety activities.

The documentation of data relating to safety is as important as the necessity for maintaining accurate records of the work performed by the contractor. This data may be a vital factor in determining circumstances if the engineer or those under his/her supervision are involved in claims resulting from accidents to persons, equipment or property.

**.1610 In-House Safety** - The Transportation Cabinet, as employer, must comply with the Kentucky Occupational Safety and Health Act as well as all other applicable federal, state, or local safety regulations to ensure the safety of all Cabinet employees. Management, supervisors and safety personnel are responsible for establishing, implementing, and enforcing safety and health standards for Cabinet personnel.

The Department of Highways Safety Program was implemented in accordance with the "Safety and Health Manual" published by the Transportation Cabinet. As a supervisor, it is the Resident Engineer's responsibility to provide a copy of this manual and any supplements directly related to each employee to read. The Resident Engineer must also make sure the provisions of the manual are understood by the employees. It is the Engineer's duty to give detailed

instructions on safety procedures when an employee is assigned a new job task with which he/she is unfamiliar.

Defective equipment shall be reported immediately to the District Construction Safety Coordinator by the Resident Engineer. No equipment is to be used when it constitutes a hazard to any employee or to the public, or when continued use may cause further damage to the equipment itself.

It is the Engineer's duty to determine the proper personal protective equipment necessary for the employee to safely perform his/her assigned job task and make certain that this protective equipment is used.

Each employee shall be expected to:

1. Accept the recommended safety procedure and have regard at all times for the safety of fellow employees and the public.
2. Report unsafe equipment and working conditions to an immediate supervisor.
3. Contribute ideas and suggestions for the improvement of safety practices.
4. Wear required personal protective equipment for the task being performed.
5. Not engage in horseplay or any behavior that may result in injury during hours of employment.
6. Not be under the influence of or use drugs or intoxicants when on duty.
7. Learn and follow the regulations set forth in the Safety and Health Manual.

Willful or continued violations of established safety and health regulations are grounds for disciplinary action.

**.1620 Injury Reporting** - Every work-related personal injury must be reported to the immediate supervisor as soon as possible. The supervisor shall provide the Workers Compensation-First Report of Injury or Illness Form IA-1 to the employee to fill out. The employee is to complete the form in detail and then return it to the supervisor. For further information refer to Chapter 6 of the Employee Safety and Health Manual provided through the Office of Personnel Management.

**.1630 Accident Reporting** - All accidents involving the Transportation Cabinet vehicles and/or equipment must be reported on Form KSP 232, Exhibit 63-1-6. The Form KSP 232 must contain correctly outlined details of the accident in a statement by the person involved. If the person involved in the accident cannot give a written statement, office personnel or the supervisor will fill out the form in the involved person's own wording. The completed form will be mailed to the District Office then copies will be forwarded to the District Construction Safety Coordinator as well as the Office of the General Counsel in Frankfort. The



District Construction Safety Coordinator will use this copy to investigate the accident and will report findings to the Resident Engineer. A copy of the police report, if applicable, shall accompany this report.

The district's loss control committee is responsible for reviewing the accident and deciding what action to pursue in cases involving carelessness, negligence, or intentional abuse.

Cabinet equipment that has been accidentally damaged shall not be repaired unless a copy of the Form KSP 232 has been filed with the district or central office repair garage foreman at the time the equipment is presented for repair. A copy of Form KSP 232 shall be attached to the garage repair.

- .1640 Personal Protection Equipment** - Personal protection safety equipment is available at district equipment garages or may be requisitioned from the Division of Equipment in Frankfort. Requests for special safety equipment not carried in stock shall be directed to the Employee Safety and Health Branch at (502)564-6963.

Supervisors are responsible for seeing that proper safety items are available and are utilized in accordance with **Chapter 8** of the Employee Safety and Health manual.

- .1650 Construction Safety** - The Kentucky Transportation Cabinet (KYTC) is responsible for the safety of all Cabinet employees. The Cabinet will not permit any employee to work in or around unsanitary or unsafe conditions. All KYTC employees on the project should monitor Contractor and subcontractor activities for obvious or suspected noncompliance with the Plan and safety, health and sanitation laws, rules, regulations and guidelines. The Contractors' Competent person or Safety Officer is responsible for seeing that each contractor fulfills his obligations concerning the contractual safety requirements. Any concerns regarding safe construction practices should be raised immediately with the Contractor's competent person, the project superintendent, or the Contractor's Safety Officer for the operation in question. Due to training and liability constraints, the Department does not have the authority to accept a specific condition as being in compliance with OSHA requirements. Furthermore, it is not the intent of the specifications for KYTC employees to function as OSHA enforcement or OSHA inspectors. However, if a recognized danger is considered to be imminent\*, the appropriate phase or phases of the work shall be immediately suspended by the RE until the condition is corrected. The Contractor is responsible for compliance with their Plan.

In the instance where a Contractor or Contractor's Safety Officer fails to respond appropriately to the safety concerns of the RE, the RE may contact OSHA for further assistance in resolving the matter.

EPPC – Department of Labor

OSH Division of Compliance  
1047 U.S. 127 South, Suite 4  
Frankfort, KY 40601-4381  
(502)564-3070

\*Imminent danger is any situation or condition occurring on a construction project that, in the opinion of the RE, may result in serious injury or death to construction personnel or the public.

**.1660 The Construction Safety Coordinator** - Each District Construction Office shall have an employee on staff who is assigned the responsibility of coordinating safety activities in the district related to construction projects. This employee is responsible to:

1. Coordinate safety related construction activities between the Central Office, the District Office and the Resident Engineer's Office.
2. Correlate and disseminate safety-related information to the Resident Engineer.
3. Aid the Resident Engineer in acquiring safety equipment for personnel.
4. Attend Preconstruction Conferences.
5. Periodically review safety practices of Cabinet personnel on active construction projects.
6. Cooperate with the District Safety Office.

The Resident Engineer is cautioned that the Construction Safety Coordinator cannot supersede his/her authority or relieve the Engineer of his/her responsibility of enforcement of safety rules and regulations for Cabinet personnel on a project.

## **63-01.1700 TRAFFIC CONTROL THROUGH HIGHWAY AND STREET WORK ZONES**

The procedures included in this section, 63-01.1700, are taken from the Cabinet's "Policy and Procedures for the Safety and Mobility of Traffic Control through Highway and Street Work Zones." The purpose of this section is to provide guidance and establish procedures to help assure that adequate consideration is given to motorists, pedestrians and construction workers on all construction projects.

**.1710 Background** - During recent years, traffic safety in highway and street work zones has been greatly emphasized. Much has been accomplished in the past, but recent field review conducted by public interest groups, the General Accounting Office and the FHWA demonstrates a need for further improvement in traffic safety in highway and street work zones. Some of the significant deficiencies most frequently noted in these national field reviews were:

1. Inadequate planning and coordination during plan, specification, and estimate preparation resulting in insufficient attention to traffic control.

2. Inadequate enforcement of safety features included in the contract.
3. Insufficient collection and analysis of available accident data on a project or statewide basis.
4. Inadequate delineation of intended travel paths, especially at night.
5. Inadequate protection of motorists from hazardous work areas.
6. Failure to adequately remove obsolete pavement markings and signs.
7. Storage of construction equipment and materials too close to the traveled way.
8. Inadequate taper distances for lane changes.
9. No person assigned responsibility for traffic control at the project level.
10. Unprotected temporary guardrail and concrete barrier ends.
11. Improper flagging practices.
12. Unprotected or improperly delineated pavement edge drop-offs.

It is the intent of this document to establish procedures that will either reduce or eliminate these deficiencies and will improve traffic safety and mobility in highway and street work zones.

**.1720 Policy** - The Cabinet, by Administrative Regulation 603, KAR 5:050, adopted the 2004 revision Manual on Uniform Traffic Control Devices (MUTCD) for use on all roads and streets in Kentucky. Part VI of the MUTCD sets forth basic principles and prescribes standards for the design, application, installation, and maintenance of the various types of traffic control devices for highway and street construction, maintenance operation, and utility work. It is not intended, however, to address in depth all the situations that may occur in traffic control in work zones. Although those responsible for traffic control and work area protection have attempted to develop guidelines and measures, a coordinated and comprehensive effort to develop greater uniformity is desirable. It is the intent of the listed procedures to provide guidelines and to help insure that the MUTCD is properly implemented on all of the Cabinet's highway construction and projects and to the extent possible on all the Cabinet's maintenance projects and other activities requiring work zones on highways and streets.

## **.1730 Procedures**

### **.1731 Preconstruction**

#### **A. Traffic Management Plan (TMP)**

Projects let by the cabinet shall be referred to as either “Significant” or “Other.”

**Significant Projects** shall be:

1. Any Interstate System project which is anticipated to occupy a location for more than 3 days.

2. Any project on any multilane roadway which is anticipated to occupy a location for more than 3 days where the existing directional DHV is over 1000 vehicles per hour, per lane, that would close a lane during the peak hours.
3. Any project on a 2 lane roadway which is anticipated to occupy a location for more than 3 days where the existing DHV (both directions) is over 1000 vehicles per hour that would close a lane during the peak hours.
4. Any project on the Interstate or National Highway System that would involve a detour.

All projects not meeting the aforementioned requirements shall be referred to as **Other Projects**.

For Significant Projects, a Transportation Management Plan (TMP) shall be developed that details a strategy to manage the work zone impacts. The TMP will include a Temporary Traffic Control Plan (TTCP) and a Public Information Plan (PIP). TMP's for significant projects shall also be developed consistent with the Traffic Impact Guidelines listed below. For all other projects, the TMP will only consist of a TTCP unless the Project Team determines that a Public Information Plan is necessary.

The approval of the TMP will be the responsibility of the Project Development Team (PDT). The Project Manager and the District Branch Managers for Construction and Traffic shall approve and sign the TMP. The FHWA shall approve and sign the TMP for federally-funded interstate or other full oversight projects. The TMP must be approved by the time final plans are sent to the Plan Processing Section. A copy of the approved TMP will be retained in the project files by the District, with a copy transmitted to the Location Engineer in Central Office Design.

For other projects, not identified as Significant, such as routine surfacing, k overlays, pavement marker installations, etc., for which the proposal is the only bidding document developed for the specific project, a TTCP shall be developed and approved by the Division in charge of managing the project.

#### **B. Temporary Traffic Control Plan (TTCP)**

1. The Temporary Traffic Control Plan may range in scope from being very detailed, designed solely for a specific project, to referencing any number of specified documents. The degree of detail in a TTCP will depend on the project complexity and the relationship of traffic with the construction activities. When necessary, the TTCP shall include the specific phasing required for the particular project. Drawings and notes shall be developed and placed on traffic control sheets within the plans.

To assure consideration is given to traffic control from the inception of design activities, the proposed concept for traffic control shall be discussed at the preliminary line and grade inspection with appropriate notation included in the inspection report. The designer responsible for plan preparation shall expand on the concept recommended at the preliminary line and grade inspection, with the compilation of a detailed suggested sequence of construction. This is to be reviewed at the time of the final joint inspection.

2. The scope of the TTCP shall be determined at the time of the final joint inspection once the sequence of construction is considered firm. The TTCP will be developed using the Standard Specifications and Standard Drawings as a basis. Only those requirements not provided in the Standard Specifications required for maintaining and controlling traffic are to be written into the TTCP. The TTCP will clearly indicate all required phasing, methods of traffic control, and any time or construction limitations that will be placed on the contractor. Attention shall be given to developing strategies that will limit impact to the traveling public. As much as possible, the existing number of lanes shall be maintained throughout a construction project, particularly on the interstates and other major routes. Where it is determined that lane restrictions are necessary, assuring limited closures must be a primary consideration. Considerations for these decisions will include restricting work during peak periods of traffic flow on the route and demanding the use of nighttime construction. The TTCP shall also take into account other adjacent roadway sections that may be under construction and avoid conflict between competing phases of adjacent projects.

In developing a TTCP the following traffic impact guidelines shall be utilized:

**Interstate Projects:**

- a. Expected queue length due to lane closures shall be analyzed and should not exceed 3 miles more than what would normally be expected without the construction project.
- b. Total closures of an interstate segment should not be considered unless there is an interstate detour available that can safely accommodate the expected increased traffic.
- c. User costs shall be analyzed and the use of incentives/disincentives to encourage timely completion of the total project or critical phases should be considered.

**Non-Interstate Projects:**

- a. Expected queue length due to lane closures shall be analyzed and should not exceed 3 miles more than what would normally be expected without the construction project.
- b. Total closures of a segment should not be considered unless there is a detour available that can handle the expected increased traffic. Alternate travel routing should not exceed 10 miles.

In developing and implementing the TTCP, it is required that pre-existing roadside safety hardware be maintained at an equivalent or better level than existed prior to project implementation.

The construction plans or contract proposal shall specify that the furnishing, installing, moving, replacing, maintaining, and cleaning of traffic control devices required by TCP are either unit bid, a lump sum bid, or incidental to the contract. The complexity of the project will determine the pay method selected. For proposal-only projects, such as resurfacing projects, traffic control should normally be incidental to the contract. This method of payment normally should not be used for projects with detailed complex TCP's.

For projects such as routine surfacing, bridge deck overlays, pavement marker installations, etc., which do not require the usual reconstruction activities (plan development, joint inspection, etc.) and for which the proposal is the only bidding document developed for the specific project, the TTCP may consist of standard drawings with reference to standard specifications, standard drawings, and the MUTCD.

### **C. Public Information Plan**

On significant projects, the project team shall formulate a Public Information Plan that shall identify communication strategies that will be used to inform the affected road users, the general public, area residences, businesses, and appropriate public entities about the work zone traffic control measures of the project. The District's public information officer shall be included on the project teams for significant projects. Public Information should be provided through methods best suited for the project, and may include information on the project characteristics, expected impacts, closure details, and commuter alternatives. Some of the methods to be considered include public meetings, media stories or ads, web sites, highway advisory radio, changeable message signs, 511 messages, printed material at selected sites, rest area kiosks, etc. The Public Information Plan shall be implemented by Cabinet personnel, by hiring a public relations consultant, or by making it a part of the construction contract.

### **.1732 Construction**



Each administrative District shall identify an individual as the District Work Zone Safety Coordinator. This individual will be responsible for coordinating the monitoring and reporting of all activities related to the safety and mobility of traffic through work zones in the district.

As outlined in the Construction Guidance Manual, the Resident Engineer, and other interested parties, shall review, discuss, and plan for traffic control at the pre-construction conference. Inspections required by the guidance manual shall be documented daily on the daily work report.

After a project is placed under contract, the contractor may be permitted to develop his own TTCP to be used in lieu of the TTCP provided in the construction plans. The contractor's plans will be approved for use only if the Cabinet and FHWA, if applicable, find that his plan is as good as, or better, than the plan provided in the construction plans. The contractor may also be permitted to offer a revision, for approval, to any portion of the existing TTCP. To receive approval for major changes to the TTCP, the contractor must submit his detailed alternate plan or revision to the Resident Engineer. Depending on the complexity of the requested revision, the major change may be processed as a construction revision, change order, or other document satisfying the condition of written approval. Any major change or alternate TTCP must submit to the same level of traffic impact analysis as was required for the initial TMP. The contractor will not be permitted to implement any part of his alternate plan or revision until he has received written approval from the Cabinet. All major revisions to a project's TTCP shall be reviewed by the initial signers to the subject Plan before any revision is implemented. Minor changes may be approved and appropriately documented by the Resident Engineer for immediate implementation as he or she deems necessary.

The initiation of any change order that affects the flow of traffic through the project shall require a review and possible modification of the current TTCP.

For each project, the Cabinet and the contractor must each designate a Project Traffic Coordinator who has the primary responsibility and sufficient authority for implementing the TMP and other safety and mobility aspects of the project. Both positions shall be established at the Preconstruction Meeting. Both the Cabinet's and the contractor's designated Project Traffic Coordinator shall be certified as a Work Zone Supervisor. Work Zone Supervisor Certification and Flagger Certification programs will be made a part of the standard specifications.

### **Crash/Safety Monitoring on Construction Projects**

- A. The Resident Engineer** - shall be responsible for monitoring the crash history for work zones on construction projects. The Resident Engineer may delegate this authority as necessary. The Resident Engineer shall

review the existing traffic control if he/she becomes aware of a crash within a work zone on any project. This includes any collisions which may occur upstream of the work zone that are likely caused by features of the downstream work zone. When requested by the Resident Engineer, the District Branch Manager for Traffic shall assist in this review. A written report of this analysis and any recommendations shall be sent to the District Branch Manager for Construction and the District's Work Zone Safety Coordinator.

On all construction projects, the District's Work Zone Safety Coordinator (DWZSC) shall maintain a list of all reported crashes. The DWZSC shall locate and retain copies of crash reports for all work zone collisions and shall provide copies of the reports to the Resident Engineer when necessary.

On Significant Projects, the Work Zone Safety Coordinator shall search for crash records of unreported collisions. These records can normally be found by routinely reviewing crash data for roadways under construction. These collisions shall be included on the overall list of project collisions, and crash records shall be retained.

Inspections required by this guidance manual shall be documented in either the diary or daily inspection report.

- B. Contractor Liability** - It is not the intent of this policy to relieve the contractor of his responsibility to continually inspect and maintain the traffic control items and to safely enable the movement of traffic through the work area. The contractor is responsible for traffic safety on the project. The state's responsibilities shall be limited to identifying acceptable control levels and taking measures to effectively enforce contract provisions. However, the contractor's responsibilities shall not be diminished by the state's failure to completely enforce such provisions.
- C. Accident Reporting** - All known traffic accidents that occur on a project shall be reported as soon as possible to the Chief District Engineer by the Resident Engineer. The Resident Engineer shall, to the best of his ability, analyze the circumstances involved in the accident and advise the Chief District Engineer through the Branch Manager for Construction of recommended changes, if any, in the TMP. On FHWA full-oversight projects, a copy of the Resident's report to the Chief District Engineer should be sent to the applicable FHWA Transportation Engineer when it is sent to the Branch Manager for Construction. The District Branch Manager for Traffic, when requested, will assist in the investigation and analysis. An effort will be made by the Resident Engineer to obtain accident reports prepared by law enforcement officers having jurisdiction in the project area. This data will be utilized in evaluating the TMP.

**.1733 Process and Review Evaluation**

- A. District Review** - The Branch Manager for Traffic should routinely review all traffic control devices on all significant construction projects and shall report to the Chief District Engineer. Major deficiencies should be brought to the immediate attention of the Resident Engineer and Branch Manager for Construction.
- B. Statewide Review Team** - A Review Team consisting of representatives of the Divisions of Construction, Traffic, Maintenance and Design shall annually review randomly selected projects throughout the State for the purpose of assessing the effectiveness of the procedures included in this document. The representative of the Division of Construction shall serve as Chairman of the Review Team and be responsible for organizing the team, scheduling the reviews, and reporting the results. This Review Team shall also be responsible for recommending revisions to this document when they deem it appropriate. All revisions shall receive the concurrence of the Department of Highways and the FHWA for approval by the Secretary of Transportation.

The results of each annual review shall be compiled in a written report and a copy of this report forwarded by the Director of Construction to the FHWA. The Director of Construction shall also forward copies to those offices within the Cabinet that have an interest in the contents of the report.

**63-01.1800 HIGHWAY CLOSURE AND ACCIDENT REPORTS**

- .1810 Incidents to Report to FHWA** - Incidents that meet the following criteria should be reported promptly to the FHWA (nights, holidays, weekends, as well as normal working hours):
1. Accidents/incidents involving multiple fatalities, numerous injuries or significant property damage involving fire, explosion or release of hazardous materials necessitating the evacuation of the immediate area, thus closing roads, streets or highways.
  2. Any accident involving a school bus which results in fatalities and/or disabling injuries;
  3. Any incident that causes a major highway to be closed for more than 24 hours, except for closures (maintenance, construction, etc.) where the public has been notified in advance via newspaper, radio or television announcements;
  4. Any incident that causes major damage to highway facilities, or
  5. All bridge failures or closures. (Please advise if the closure resulted from bridge inspections.)
- .1820 Incidents to Report to FHWA Transportation Engineer or Project Delivery Team Leader**- Incidents that meet the following criteria should be reported during normal work hours to the appropriate Transportation Engineer or Project Delivery Team Leader.

1. Accidents on federal aid construction projects causing deaths and/or disabling injuries to workers on the job and/or to the general public.

**.1830 Method of Notification** - Reporting of any of the listed incidents would be made to the Central Office, Division of Maintenance as soon as possible. Reports during normal work hours or at any time when access to the State Government telephone system is available should be made by calling (502) 564-4556. The Division of Maintenance is manned on a 24-hour basis, seven days a week. If not feasible to make the call on the State Government telephone system, notification may be made by the toll-free telephone number (800) 372-7175.

**.1840 Reporting Responsibilities for District Personnel** - It will be the responsibility of the following individuals to report the particular incident in the order indicated:

1. Operations Engineer or District Construction Engineer
2. Maintenance Engineer
3. Chief District Engineer

During off-duty hours, the person on emergency assignment in the District Office will precede the above list and supply the needed information to the appropriate person in the Central Office.

**.1841 Resident Engineer Responsibilities** - It will be the responsibility of the Resident Engineer's Office to notify the Chief District Engineer of any accident on a federal aid construction project causing death and/or disabling injuries to workers or the general public. The Chief District Engineer must then transmit the report to the Central Office, Division of Maintenance, as soon as possible.

**.1850 Reporting Responsibilities for Central Office** - Upon receipt of any message described in this memorandum, Central Office personnel must direct the report to the following Federal Highway Administration official in the order indicated:

NAME	OFFICE PHONE	CELL PHONE
Colin McCarthy	502-223-6727	518-210-2289
Evan Wisniewski	502-223-6740	502-330-4731
Jose Sepulveda	502-223-6721	502-330-5800
Tony Young	502-223-6751	502-330-7494
John Ballantyne	502-227-6747	502-330-4733
Dennis Luhrs	502-223-6723	502-330-4730

Any major incident which occurs during nighttime, on weekends or holidays should be reported to the Federal Highway Administration as soon as possible. Road closures due to snow or flooding must be reported the following morning immediately after receiving the District Office report.

- .1860 Non-federal Aid Projects** - The Resident Engineer shall also report accidents as required in subsection .1841 on non-federal aid projects to the Chief District Engineer, except he shall make it clear that his report concerns a non-federal aid project. It is not necessary to report accidents on non-federal aid projects to the FHWA.

## **63-01.1900 HAZARDOUS WASTES/SUBSTANCES**

The purpose of this section is to provide guidance and establish procedures to help assure that adequate consideration is given to construction sites with potentials for hazardous wastes.

- .1910 Resident Engineer Responsibilities** - When a previously undiscovered or suspected hazardous waste site is found:

1. Report the site to the District Office, Division of Construction Liaison, and the Division of Environmental Analysis.
2. Halt work in the vicinity of any previously undiscovered site.
3. Request investigation of the site in order to assess the presence of contamination and to determine the need for any cleanup.
4. Oversee any mitigation or cleanup which might be required as a part of the construction contract because of involvement with a hazardous site.

- .1930 Requests For Investigation** - All requests for investigation of a potential hazardous waste site should be made by the Division of Construction using the appropriate form (attached as Exhibit No. 63-1-2). Transmit all necessary information to the Division of Environmental Analysis so that an investigation can be performed.

## **63-01.2000 ETHICS**

The intent of this section is to point out that all Commonwealth employees should conduct themselves ethically in all transactions concerning organizations that do business with the Commonwealth. Employees should conduct themselves in this ethical manner both during and outside of working hours. If there is ever a question of ethical concern the Executive Branch Ethics Commission should be contacted (<http://ethics.ky.gov>).

- .2010 Falsification & False Statements** - The following should be noted and abided by on all projects.

### **23 CFR 635.119 – False Statements:**

Notice to All Personnel Engaged on Federal-Aid Highway Projects

United States Code, title 18, section 1020, reads as follows:

Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever, knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever, knowingly makes any false statement or false representation as to a material fact in any statement, certificate, or report submitted pursuant to the provisions of the Federal-aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented,

Shall be fined not more than \$10,000 or imprisoned not more than five years, or both.